Supreme Court, U.S.
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OFFICE OF THE CLERK

No. _____

In the Supreme Court of the United States

STEPHANIE BRADLEY, Personal Representative of the Estate of Clark Bradley, Deceased,
Petitioner,

v.

OFFICER PAUL SIMPSON, and THOMAS THOMSON,
Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

PETITION FOR WRIT OF CERTIORARI

GEOFFREY NELS FIEGER
REBECCA S. WALSH
VICTOR S. VALENTI
Counsel of Record
FIEGER, FIEGER, KENNEY & JOHNSON
19390 W. TEN MILE ROAD
SOUTHFIELD, MI 48075-2180
(248) 355-5555
(248) 355-5148 FAX

Counsel for Petitioner

Becker Gallagher Legal Publishing, Inc. 800.890.5001

QUESTIONS PRESENTED FOR REVIEW

Are city police officers entitled to qualified immunity under 42 U.S.C. §1983 where the district court agreed that Petitioner presented sufficient evidence from which a jury could reasonably conclude that Respondents violated the decedent's Fourteenth Amendment rights by responding with deliberate indifference to the decedent's known, serious psychological needs that resulted in his suicide at the jail?

Did Petitioners evidence against Respondents satisfy her burden under Michigan's gross negligence exception to governmental immunity?

PARTIES TO THE PROCEEDINGS AND CORPORATE DISCLOSURE STATEMENT

Petitioner is an individual who is the daughter of Clark Bradley, deceased.

Respondents are, or were at the time of the jail suicide, police officers or jailers at the City of Ferndale municipal jail. The City of Ferndale is a party at the district court but was never an Appellant even though the Sixth Circuit majority opinion refers to Ferndale as an Appellant. The majority's confusion perhaps stems from references in the parties' briefs to the employee Defendants as "the Ferndale Defendants."

In addition, Chief Kitchen, Ferndale's police chief, Dispatcher Jason White and Cadet Crouse were parties to the proceedings below. James L. Dyer, an attorney for Defendant Thomson, appears in the caption of the district court Memorandum Opinion and Order as a Defendant, an error which also appears on the Sixth Circuit docket entries. Mr. Dyer was a defense attorney, but never a Defendant in this case.

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PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully petitions this Court for a writ of certiorari to review the opinion rendered by the Sixth Circuit Court of Appeals.

OPINIONS BELOW

The September 8, 2005 panel opinion from the Sixth Circuit which was designated as not recommended for full-text publication is printed at App.A at 1a-36a. The March 16, 2004 memorandum opinion and order of the United States District Court for the Eastern District of Michigan is unreported, but is printed at App.B at 37a-52a.

STATEMENT OF JURISDICTION

The Sixth Circuit issued its opinion on September 8, 2005. This petition for certiorari is timely in that Petitioner has filed it within 90 days of September 8, 2005. The Court has jurisdiction pursuant to 28 U.S.C.§ 1254(1).

STATUTORY AND CONSTITUTIONAL PROVISIONS INVOLVED

Petitioners rely upon 42 U.S.C. § 1983 which reads in relevant part as follows:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to

> the party injured in an action at law, suit in equity, or other proper proceeding for redress . . .

Petitioners also rely upon the Fourteenth Amendment of the Constitution of the United States, Section 1 of which provides in relevant part:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; . . .

Petitioners further rely upon MCL 691.1407 which provides in relevant part:

> (2) Except as otherwise provided in this section, and without regard to the discretionary or ministerial nature of the conduct in question, each officer and employee of a governmental agency, each volunteer acting on behalf of a governmental agency, and each member of a board, council, commission, or statutorily created task force of a governmental agency is immune from tort liability for an injury to a person or damage to property caused by the officer, employee, or member while in the course of employment or service or caused by the volunteer while acting on behalf of a governmental agency if all of the following are met:
>
> (a) The officer, employee, member, or volunteer is acting or reasonably believes he or she is acting within the scope of his or her authority.
>
> (b) The governmental agency is engaged in the exercise or discharge of a governmental function.
>
> (c) The officer's, employee's, member's, or